

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

MANETIRONY CLERVRAIN,

Plaintiff,

v.

Civil Action No. 2:22-cv-00197

MARK HARRIS;

JAMIE DIMON, President of JP Morgan Chase;

ASHLEY BACON, Chief Risk Officer;

LORI A. BEE, Chief Information Officer at Chase;

CHARLES W. SCHARF, Chief Executive at Wells Fargo,

Defendants.

MEMORANDUM OPINION AND ORDER

Pending before the court are plaintiff's complaint (ECF 1), filed April 20, 2022, and three contemporaneously filed motions (ECF Nos. 2 through 4). These matters were previously referred to the Honorable Dwane L. Tinsley, United States Magistrate Judge, for submission of proposed findings and a recommendation ("PF&R"). The magistrate judge filed his PF&R on October 31, 2022 (ECF No. 7), recommending that the court dismiss the plaintiff's complaint and this civil action on account of plaintiff's failure to prosecute, as well as recommending the court declare the plaintiff to be a vexatious litigant and sanction his conduct with a pre-filing injunction on the commencement of future civil actions in this district.

The court need not review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings and recommendations to which no objection has been addressed. See Thomas v. Arn, 474 U.S. 140 (1985); see also 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.") (emphasis added). Failure to timely file objections constitutes a waiver of de novo review and the plaintiff's right to appeal the order of the court. See 28 U.S.C. § 636(b)(1); see also United States v. De Leon-Ramirez, 925 F.3d 177, 181 (4th Cir. 2019) (parties typically may not "appeal a magistrate judge's findings that were not objected to below, as § 636(b) doesn't require de novo review absent objection."); Snyder v. Ridenour, 889 F.2d 1363, 1366 (4th Cir. 1989). Inasmuch as objections in this case were due on November 17, 2022, and none have been filed, this matter may be duly adjudicated.

Accordingly, the findings made in the Proposed Findings and Recommendation of the magistrate judge are adopted by the court and incorporated herein by reference. To the extent that the PF&R recommends this court determine the plaintiff is a vexatious litigant meriting the sanction of an injunction upon his future ability to file lawsuits in this

district, the court notes that in Clervrain v. Erich, a separate frivolous suit brought by the plaintiff, this court has this date entered precisely such an injunction. Inasmuch as the imposition of the same pre-filing injunction upon the same litigant for the same vexatious litigation conduct would be duplicative, the court declines to adopt the magistrate judge's recommendation regarding the pre-filing injunction in this case.

It is, therefore, ORDERED that:


1. The findings made in the Proposed Findings and Recommendation of the magistrate judge (ECF No. 7) be, and they hereby are, adopted by the court and incorporated herein except as to the imposition of a pre-filing injunction;
2. Plaintiff's "Motion for Settlement Agreement Against Secretive Criminals By In[v]oking the National Regulatory Treaties Act" (ECF No. 2) be, and hereby is, denied;
3. Plaintiff's "Motion for Mitigating Financial Burden ('IFP') or Constitutional Issues By Massive Issues ['Right Aggravated'] Treatment Act" (ECF No. 3) be, and hereby is, denied;

4. Plaintiff's "Motion for ['Opposition(s)'] or and/or ['Criminal Intent(s)'] and/or ['Malicious'] Against Freedom of Speech(s), by the ANT(s) Freedom Act ('TAFA')" (ECF No. 4) be, and hereby is, denied; and

5. This civil action be, and it hereby is, dismissed with prejudice.

The Clerk is directed to forward copies of this written opinion and order to the plaintiff, all counsel of record, and the United States Magistrate Judge.

Enter: December 22, 2022

  
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John T. Copenhaver, Jr.  
Senior United States District Judge